



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

WARM SPRINGS RESOURCE AREA

15 East 500 North
Fillmore, Utah 84631

TAKE
PRIDE IN
AMERICA

IN REPLY REFER TO:

3809

UT-055-91-25N

UT055

RECEIVED

SEP 23 1991

September 20, 1991

Dale D. Rogers
3529 E. Green Hills Dr.
Sandy, UT 84093

DIVISION OF
OIL GAS & MINING

Dear Mr. Rogers:

Your notice to conduct mining related operations on your claims, BLM serial numbers, 311606, 328709, 328710 in T. 25 S., R. 13 W., Sec. 35, was received and has been accepted by this office. Your notice has been assigned case file number UT-055-91-25N. Please use this number in any future correspondence concerning this notice.

If you change your operation from what is described in your notice, please contact this office prior to the change. If your operations extend for more than one year, please advise this office of the status of your mining related activity on the anniversary date of your notice.

Enclosed is a copy of the Standard Operating Procedures required by the Richfield District, Warm Springs Resource Area. Please follow these guidelines as they pertain to your operations.

A copy of your notice has been sent to the Utah Division of Oil, Gas and Mining (DOGM); therefore, you will not have to file this notice with DOGM. However, reclamation under this notice is required to conform to the standards of the Utah Mined Land Reclamation Act. Also, all mining claimants and operators that plan to use, store, or divert water are required by Utah statute to notify the Utah Department of Water Resources at:

1636 West North Temple
Salt Lake City, Utah 84108

As required by 43 CFR 3809, Surface Management Regulations, reasonable measures must be taken to prevent unnecessary or undue degradation of public lands during your operations. Please notify this office upon completion of operations and reclamation, so an inspection may be conducted on the site.

We are of the preliminary opinion that the building stone which you have claimed is common variety and as such is not open to location. The proper procedure for mining and disposal of this material is through mineral material sales wherein you would

relinquish your claims and sign a contract with the Bureau of Land Management for the sale of units of material at a specified price. We will gladly provide you with information regarding mineral material sales.

If you are convinced that your deposit is locatable, please be aware the Court has set standards to distinguish between common varieties and uncommon varieties of mineral deposits or stone. The standards are:

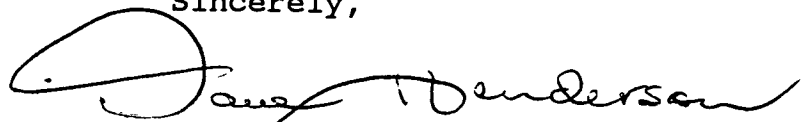
1. There must be a comparison of the mineral deposit in question with other deposits of such minerals generally;
2. The mineral deposit in question must have a unique property;
3. The unique property must give the deposit a distinct and special value;
4. If the special value is for uses to which ordinary varieties of the mineral are put, the deposit must have some distinct and special value for such use; and
5. The distinct and special value must be reflected in the market place (or in reduced cost or overhead so that the profit to the claimant would be substantially more).

Should a final determination by the Department of Interior be made that this material is, in fact, "common variety", you could be responsible to the United States for the value of this material, damage to the land, and the administrative costs of recovering such compensation.

Acceptance of your notice will not now, nor in the future, serve as a determination of the validity nor ownership of any mining claim included under your notice.

Thank you for submitting your notice. If you have any questions regarding this letter, please feel free to contact Roddy Cox at (801) 743-6811.

Sincerely,

A handwritten signature in dark ink, appearing to read "Dave Henderson". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

Dave Henderson
Area Manager

Enclosure: As stated above

cc: D. Wayne Hedberg, UDOGM
Jerry Reagan, Millard County Planning and Zoning (Millard County Notices)

RC:msc